

DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. Applicant's amendments in claims 1, 3, 5, 7-9 and 21 in the Amendment filed December 6, 2007 have been received and considered by Examiner.
2. New claims 24-28 presented in the Amendment filed December 6, 2007 have been received and considered by Examiner.
3. Applicant's cancellation of claim 23 in the Amendment filed December 6, 2007 has been acknowledged by Examiner.
4. Applicant's amendments in claim 3 in the Amendment filed December 31, 2007 have been received and considered by Examiner.
5. Applicant's cancellation of claim 9 in the Amendment filed December 31, 2007 has been acknowledged by Examiner.

WITHDRAWN OBJECTION

6. The objection to claim 8 made of record in the previous Office Action mailed July 27, 2007 has been withdrawn.

REPEATED REJECTIONS

7. The 35 U.S.C. 112 rejection of claim 5 has been repeated for the reasons previously made of record. All other bases of rejection made of record in paragraph 12 of the previous Office Action mailed July 27, 2007 have been withdrawn.
8. The 35 U.S.C. 102 and 103 rejections of the currently pending claims have been repeated for the reasons previously made of record.

NEW REJECTIONS

Claim Rejections - 35 USC § 112

9. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites the limitation "the polyolefin backbone containing X" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite that "the polyolefin backbone contain[s] X". Furthermore, it is extremely unlikely that the amount of residues of monomer X that attaches the polyamide to the backbone is 4 to 5 times greater than the amount of polyamide (polyamide grafts). Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

10. Claims 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmitz et al. (U.S. Patent No. 6,794,048).

The basis for rejection of claims 6-8, 17 and 18 of record now also applies to new claims 24-27.

Response to Arguments

11. Applicant's arguments regarding the 35 U.S.C. 102 rejection have been fully considered but are not persuasive. Applicant appears to argue that the composition taught at col. 3, lines 7-37 of Schmitz et al. is not a graft copolymer (that it is a "mixture"); but the composition taught at col. 3, lines 7-37 of Schmitz et al. is a graft copolymer. See col. 3, lines 7-37.

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12. Applicant's arguments regarding the 35 U.S.C. 103 rejection have been fully considered but are not persuasive. Applicant's arguments depend upon Applicant's arguments regarding the 35 U.S.C. 102 rejection, which have been addressed above.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Walter B Aughenbaugh /
Patent Examiner, Art Unit 1794

4/14/08